

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
SEPTEMBER 3, 2010

The Maple River Water Resource District met on September 3, 2010, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Wesley Beilke, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Sean M. Fredricks, Attorney for the Board; Chad Engels, Engineer for the Board; Wesley Belter, Mark Belter and Troy Goltz, property owners in Leonard Township and Dane Larsen, property owner in Raymond Township.

Drainage complaints from Randy Thompson and Rodney Grindberg against Ihry Farms / Matt Powell in Section 6 of Lake Township

The Board reviewed the drainage complaints from Randy Thompson and Rodney Grindberg against Ihry Farms / Matt Powell in Section 6 of Lake Township. Manager Suhr said the work was done after a recent 3 inch rainfall. The property owners have expressed concern about additional drainage from land to the west.

The Water Resource District investigated the alleged drainage and concluded the parties did, in fact, construct unpermitted drainage in the NE 1/4 of Section 6 in Lake Township that drains sheetwater. The Water Resource District Engineer reviewed the watershed area by reviewing topographic maps and aerial photographs. After reviewing the results of the investigation, the Board determined the drainage affects a watershed of at least 80 acres.

It was moved by Manager Suhr to issue an Order to close the illegal drainage in the NE 1/4 of Section 6 in Lake Township and to advise the record owners of said property of the following:

- That they are to remedy the illegal drainage by closing or filling the unauthorized drainage on or before 5:00 p.m. on Monday, October 4, 2010.
- If they do not close or fill the unauthorized drainage before 5:00 p.m. on Monday, October 4, 2010, the Board will procure the closing or filling of the unauthorized drainage ditch and will assess the costs of doing so against the real property taxes for the property.
- They have a right to a formal hearing before the Water Resource District Board, provided they demand one in writing to the Board within 15 days from the date of the Order.
- If they timely demand a hearing in writing, the Board will issue a Notice of Hearing to schedule a hearing.

- They have a right to appeal the Board's decision to the District Court or to the North Dakota State Engineer.

Manager Beilke seconded the motion. Upon roll call vote, the motion carried unanimously.

Maple River breakouts south of Mapleton

Manager Olson, Chad Engels and Mark Brodshaug looked at areas south of Mapleton where the banks of the Maple River washed out during the spring flood. Property owners should submit a permit application if they wish to restore them.

Upper Maple River Dam

Mr. Engels reviewed a memo from Scott Reed, HDR Engineering, Inc., regarding the need for an environmental review of the proposed Upper Maple River Dam. The memo also addresses options for approaching the environmental review and the potential scope for such a review. Mr. Reed will be meeting with Dan Cimarosti, Corps of Engineers to discuss the approach, schedule and content for the environmental document. Once consensus has been reached on those items, a detailed scope, schedule and budget would be developed.

Application to Drain #3525 for Wesley Belter to construct a tile drainage system in the NE 1/4, NW 1/4 and SW 1/4 of Section 8 in Leonard Township

It was moved by Manager Beilke and seconded by Manager Suhr to approve *Application to Drain #3525* for Wesley Belter to construct a tile drainage system in the NE 1/4, NW 1/4 and SW 1/4 of Section 8 in Leonard Township, subject to the following conditions:

- That the applicant obtain written permission from the owner of any land, besides land he owns, on which he will construct the tile system;
- That the applicant provide and maintain adequate erosion protection at the outlet(s); and
- That the applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Ring Dike Cooperation Agreement with Jeffrey J. Askew and Jodi R. Askew

It was moved by Manager Suhr and seconded by Manager Beilke to approve and authorize the Chairman to sign the *Ring Dike Cooperation Agreement* with Jeffrey J. Askew and Jodi R. Askew. Upon roll call vote, the motion carried unanimously.

Ring Dike Cooperation Agreement with Catherine Libbrecht and Glen Libbrecht

It was moved by Manager Suhr and seconded by Manager Beilke to approve and authorize the Chairman to sign the *Ring Dike Cooperation Agreement* with Catherine Libbrecht and Glen Libbrecht. Upon roll call vote, the motion carried unanimously.

Proposal for a hydraulic study of the Everest Channel in Durbin Township

Mr. Engels presented a proposal for a hydraulic study of the Everest Channel in Durbin Township. The Board directed him to send the proposal to Durbin Township and Everest Township.

Embden Dam – erosion issue

The Board directed the Water Resource District Attorney to notify the tenant on property near the Embden Dam that his livestock has caused damage to the face of Embden Dam, as well as to the fence previously constructed to prevent the cattle from accessing the dam area and that the Board would like him to pay the costs of repairing the fence to keep the cattle off of the dam.

Swan Creek Diversion Reconstruction – establishment of vegetation and recommendation for slide area

It was moved by Manager Suhr and seconded by Manager Beilke to send a letter to Gladen Construction stating the Water Resource District will require one final attempt to establish vegetation in order to meet the project requirements and that this would be the last request before closing out the project. Upon roll call vote, the motion carried unanimously.

Mr. Engels reviewed a recommendation for repair of a slide area resulting from bad soils on the Swan Creek Diversion. It was moved by Manager Beilke and seconded by Manager Suhr to authorize Moore Engineering, Inc. to solicit proposals for repair of the slide area on the Swan Creek Diversion, east of State Highway 18, and to proceed with the least costly proposal for the work. Upon roll call vote, the motion carried unanimously.

Absaraka Dam spillway modifications and improvements

It was moved by Manager Suhr and seconded by Manager Beilke to authorize Chairman Olson to sign the construction permit application to be submitted to the State Engineer for spillway modifications and improvements to Absaraka Dam. Upon roll call vote, the motion carried unanimously.

Utility Permit for Xcel Energy to install a natural gas main in Swan Creek Diversion right-of-way

It was moved by Manager Beilke and seconded by Manager Suhr to deny the *Utility Permit* for Xcel Energy to install a natural gas main in Swan Creek Diversion right-of-way, due to concerns with soil stability in the area. Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Suhr and seconded by Manager Beilke to approve the minutes of the August 5, 2010, meeting. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Beilke and seconded by Manager Suhr to approve payment of Checks #4728 through #4737 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Suhr and Beilke. The Chairman declared the motion passed.

Troy Goltz – proposed drain tile project in the E 1/2 of Section 33 in Leonard Township

Troy Goltz met with the Board to discuss a proposed drain tile project in the E 1/2 of Section 33 in Leonard Township. He said the water will continue to drain along its current path and that he will drain tile less than 80 acres. He has verbal agreements from everyone downstream, all the way to Drain #15. The Board informed Mr. Goltz that he may need to sign a form consenting to an assessment for Drain #15 on any property that would be draining into the drain that is not currently assessed.

Adjournment

There being no further business to be considered by the Board, it was moved by Manager Beilke, seconded by Manager Suhr and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer